IN THE UNITED STATES DISTRICT COURT FOR THE SOUTHERN DISTRICT OF TEXAS HOUSTON DIVISION

MARIO ALBERTO MEDRANO, TDCJ-ID #1086181,

Plaintiff,

VS.

CIVIL ACTION NO. H-02-2976

PATER OF THE PROPERTY OF THE PATER OF THE PA

TOMMY THOMAS, ET AL.,

Defendants.

ORAL DEPOSITION OF

FRED PETRUSKA

AUGUST 9, 2005

EXHIBIT

8/9/2005

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	1 2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22	Page 77 radio that the suspects had arrived? A I probably did. Yeah. I'm sure I did. As soon as they knocked on the door. Q Do you specifically recall whether you did that? A No, not specifically; but I'm sure I did. Q When was the first time that you saw Deputy Gideon that day? I'm sorry. That was obviously the first time you saw him was at least at the briefing meeting or before that. A Correct. Q After the briefing meeting, when was the next time that you saw Deputy Gideon that day? A When he approached me in the parking lot. Q You didn't see him in Room 247? A Never. Q Do you recall or can you estimate how much time went by between the first shots being fired and you and Deputy Sams getting the cuffs on Mr. Medraño? A Minutes. I don't know. Seemed like an eternity, but I'm sure it was just a matter of minutes. Q Do you know who else was in Room 247 at the time	1 2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22	Page 79 the back of the patrol car? A It would have to have been after because nobody was around him other than me and the uniformed patrol officer when I put him in the back of the car. Q Do you recall whether or not Mr. Medrano had blood on his face and his shirt when you put him in the back of the patrol car? A Yes. I noticed it as soon as I picked him up off the floor. Q You didn't know that Deputy Gideon was in Room 247 when you were struggling with Mr. Medrano. Is that right? A Correct. Q Did you ever ask anyone for help in subduing Mr. Medrano? A Never. Q Did Deputy Sams have his pistol drawn the entire time you were struggling with Mr. Medrano? A Honestly, I don't recall. I know he was helping me try and subdue him. I know I stuck mine in my pocket. What he did, I don't know. I don't recall.
	1 2 3 4 5 6 7 8 9 10 11 12 13	A Myself and Sams is the only and Medrano were the only two. I'm sorry. The informant was in there, but Page 78 I didn't see him. And Eddie was in there, and I didn't see him either. Q Were Sergeant Miller and Officer Full in the room at that point? A I ran back in the room. I remember Sergeant Miller and Officer Full attending to Eddie giving him first aid. I don't recall if it was the first time I ran back in or the second time I ran back in. I'm wanting to say it was the first time, before I handcuffed him; but I don't recall. Q The second time that you went up to Room 247 A Uh-huh. Q was that after you and the uniformed officer	1 2 3 4 5 6 7 8 9 10 11 12	A No. Q Did Deputy Sams ask you for help with Page 80 Mr. Medrano? A No. Q Do you recall seeing Officer Slot in Room 247? A Not at the time, no. Q Do you recall whether or not Officer Slot followed you and Deputy Sams into Room 247? A Not at the time, no. Q Was Gary Bordelon still in Room 247 when you and the uniformed officer took Mr. Medrano downstairs? A I honestly don't know. He would have to have been. It was (snapping fingers). Instantaneous, I mean. Cuffed him, picked him up, and walked him outside. Q Do you recall whether or not Mr. Bordelon was in
Į	14	put Mr. Medrano into the patrol car?	14	Room 247 when you got back from putting Mr. Medrano in the

17 back in the patrol car? A Correct. I physically ran back to the room.

Q Was that immediately after you put Mr. Medrano

Q I'm going to ask the reporter to mark this as

20 Exhibit 3 and then ask you if you can identify this

21 gentleman.

15

16

18

19

22

24

(Petruska Exhibit No. 3 marked.)

23 A That's Mr. Medrano.

A Correct.

Q (By Mr. Olson) Do you recall, sir, if this

picture was taken before or after you had placed him into

Room 247 when you got back from putting Mr. Medrano in the 15 patrol car?

16 A I don't recall. All I was focused on was Eddie.

17 All I wanted to do is get back and see how Eddie was. By

18 then there was people everywhere. EMT's, detectives, 19 patrolmen.

20 Q Do you recall whether or not you saw Mr. Bordelon 21 later that day?

A I think I saw him at HPD later that day.

23 Q Did you ever see him in Room 248 after all this

24 had transpired?

22

A I don't believe so, no. 25

20 (Pages 77 to 80)

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	Page 61		Page 63
1	about the shots that Officer Slot was firing at Noe	1	(indicating), "Down. Get down." And he just
2	Lopez what did you do next?	2	stood there. He didn't comply.
3	A I entered the room.	3	Q So we can get this on the record because we don't
4	Q What's the next thing you remember after that?	4	have a videotape, when you say "like this," you're
5	A Well, let me back up. I called Eddie's name	5	A I'm holding my weapon in my right hand pointed at
6	prior to entering the room. I called out "Eddie."	6	Mr. Medrano giving him commands to get down, "down, down,
7	Q What was the first thing you saw when you entered	7	down." He's not complying. So, with my left arm and my
8	the room?	8	left hand, I'm motioning like this (indicating) "down.
9	A All I could see was just the top of the beds. I	9	Get down."
10	was still in a crouched position.	10	Q Pointing at him and then sweeping your arm
11	Q Did you stand up?	11	towards the floor?
12	A Yes.	12	A Correct, my left arm towards the floor motioning
13	Q What was the first thing you saw after you stood	13	for him to get down.
14	up?	14	Q Like I told you right at the beginning, we
15	A I stood up, and I scanned from left to right.	15	have
16	The next thing I saw was Mr. Medrano in the bathroom	16	A I understand.
17	hiding behind the wall.	17	Q The only way we get to see this is to read it.
18	Q What did you do after you saw Mr. Medrano?	18	A I understand.
19	A I pointed my pistol at Mr. Medrano, and I shouted	19	Q What did Mr. Medrano do after you told him to get
20	out commands. I kept yelling at him, "Hands, hands,	20	down?
21	hands. Let me see your hands."	21	A He just stood there and looked at me.
22	Q What did Mr. Medrano do?	22	Q What did you do next?
23	A Mr. Medrano was hiding behind the wall with his	23	A I walked up to him. I approached him. I grabbed
24	weapon in his right hand in the ready position like this	24	him with my left hand; and I pulled him towards me and to
25	(indicating) peeking out behind the wall. He would peek	25	my left, pushed him on the edge of the bed quickly.
	Page 62		Page 64
1	out behind the wall, look at me, move back in, peek out	1	Q What was the next thing you remember happening
2	behind the wall, look at me, and move back in.	2	after that?
3	Q When you say his weapon was in the ready	-3	A After that I remember Sams coming in the room;
4	position, you mean he was	4	and I motioned to Sams to take him, take him (indicating).
5	A Had his weapon in his right hand. It was pointed	5	Sams then took Medrano, put his pistol in the back of his
6	upward. And his left hand was just like this (indicating)	6	head and told him not screamed at him "Not to move, not
7	on his wrist.	7	to move, not to move." At that time I turned around and I
8	Q His left hand was holding his right wrist?	8	saw Eddie Roberts. Prior to that, I didn't see him. He
9	A Correct.	9	was in the bathroom where Medrano was hiding.
10	Q Did he eventually leave the bathroom?	10	Q After you saw Deputy Roberts, what did you do?
11	A Yes.	11	A I looked at him. I tried to see if he was
12	Q What did he do at that point?	12	breathing. He was covered with blood. His pistol was
13	A He stepped out from behind the wall and started	13	still in his hand. I didn't see any motion in his chest
14	to yell, "Don't shoot, don't shoot."	14	as far as breathing whatsoever. My next reaction is to
15	Q Did you give him any additional commands?	15	call for help. I reached down. I don't have a radio
16	A Yes.	16	because I didn't have time to grab one. I ran out of the
17	Q And what did you tell him?	17	room back to my room next door, 248, grabbed a radio to
18	A I kept yelling at him "hands" because he still	18	call for help.
19	had the weapon in his hands when he stepped out from	19	Q Was that the first time that anyone had announced
20	behind the wall.	20	there was an officer down?
21	Q What was the next thing that happened?	21	A Yes. I did not make that announcement.
22	A He dropped the weapon.	22	Q Did you learn later that someone else had made
23	Q After he dropped the weapon, what did you do?	23	the
1 ~ 4	A 7		
24	A I continued to yell at him to get down. He	24	A As I entered the room, Deputy Craig Miller was
24 25	A I continued to yell at him to get down. He didn't comply. So, with my left hand I motioned like this		A As I entered the room, Deputy Craig Miller was already on the radio putting out the assist requesting

16 (Pages 61 to 64)

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	Page 65		Page 67
1	help.	1	A Correct.
2	Q At that point once you have gone back into	2	Q Were you saying anything to Medrano at this
3	Room 248, do you know now where Deputy Oliver and Deputy	3	point?
4	Moreno were?	4	A "Give me your arms. Give me your hands. Hands.
5	A No. No. As soon as I saw Craig Miller on the	5	Let me have your hands."
6	radio, I knew that help was on the way. My next reaction	6	Q Do you recall whether Deputy Sams was saying
7	was to secure Mr. Medrano. So, I grabbed my handcuffs	7	anything at that point?
8	from my bag and ran back into Room 247.	8	A I don't recall.
9	Q Once you were back in room let me erase that.	9	Q After you had gotten the cuff around his left
10	What was the first thing you saw when you	10	hand, what's the next thing that you remember happening?
11	got back to Room 247?	11	A I was pulling on his right on his right area
12	A I saw Officer Craig Full and Sergeant Frank	12	of his body, "Give me your hand. Give me your hand." He
13	Miller attending Deputy Roberts administering first aid,	13	had his right arm in a crunched position, I assume,
14	at which time I jumped on Medrano's back and forced him to	14	underneath his chest, underneath his body (indicating)
15	the floor.	15	laying flat in a prone position on the floor. "Give me
16	Q Was Deputy Sams still covering Mr. Medrano at	16	your arm. Give me your arm."
17	that point?	17	Q After you had yelled at him to give him your
18	A Yes.	18	(sic) arm, what's the next thing you remember happening?
19	Q Did he still have his pistol pointed at	19	A He wouldn't comply. He kept his arm underneath
20	Mr. Medrano?	20	his chest. He started to come off the floor. He was
21	A Yes.	21	pushing himself off the floor with me on his physically
22	Q Was Deputy Sams doing anything besides pointing	22	,
23	his pistol at Mr. Medrano?	23	on his back. He started to push up off the floor come up off the floor. I couldn't control him. The next thing
24		24	I know he went limp.
25	· · · · · · · · · · · · · · · · · · ·	25	Q Was Deputy Sams on Medrano's back at that point
	pointing his pistor in the back of his head screaming at	23	Q Was beputy sams on Mediano's back at that point
	Page 66		Page 68
1	, him. _{Sec.} .	1	as well?
2	Q Was he applying any pressure to Mr. Medrano to	.2	A I assume he was. He was right there with me. We
3	keep him down on the bed or anything like that?	3	were both scrambling fighting with him trying to get him
4	A When I went back into the room with the cuffs in	4	under control. I know I was physically on top of him.
5	my hand, I jumped on Mr. Medrano's back and forced him	5	Q Do you recall about how large a gentleman you
6	down to the floor.	6	were at the time?
7	Q Before you did that, did you observe whether or	7	A Me?
8	not Deputy Sams had any pressure on Mr. Medrano or whether	8	Q Yes.
9	he was holding	9	A I'm about the same as I am now, not quite as
10	A I don't have any idea. I know he had his pistol	10	muscular. I'm a little more muscular now than I was back
11	straight in his head. That's all I can recall.	11	then.
12	Q After you jumped on Mr. Medrano, what was the	12	Q Just in terms of pure weight, do you recall how
13	next thing that you did?	13	large a gentleman you were at the time?
14	A I grabbed his left arm and began to fight with	14	A I think I weighed about 220.
15	him to get him handcuffed.	15	Q After Mr. Medrano went limp, what was the next
16	Q Do you know what Deputy Sams was doing at that	16	thing that happened?
17	point?	17	A Somebody handed me a set of Flex Cuffs.
18	A He was assisting me one way or another. I don't	18	Q What did you do with the Flex Cuffs?
19	know. Both of us were fighting with him to get the cuffs	19	A Took the Flex Cuffs, I put them on his right arm
20	on him. I managed to get the handcuff on his left arm.	20	and I attached it to the metal cuff and hooked them behind
21	Q Did you still have your pistol drawn at that	21	his back.
22	time?	22	Q Did you attach it to the cuff that was already
1		1	

24 25

23 around his left wrist or did you attach it to the free

I attached it to the free cuff.

front pocket (indicating).

It was in my right pocket. My right pocket,

Your pistol was in your right front pocket?

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1 A He was in the same position I had left him in. 2 Sams had this hand pulled back behind his back and his 3 pistol screwed in his head. 4 Q What was it about him being in that position that 5 led you to believe that he was not under control? 6 A He wasn't handcuffed and he wasn't secured and I didn't shake him down for weapons. 8 Q So, you wouldn't believe that he was under 9 control until he was handcuffed and had been searched for low weapons? 11 A Correct. 12 Q Do you know whether or not Deputy Sams had lad ordered Mr. Medrano to the floor while you were out of the lad ordered Mr. Medrano to the floor while you were out of the lad ordered Mr. Medrano to the floor while you were out of the lad ordered Mr. Medrano to the floor while you were out of the lad ordered Mr. Medrano to the floor while you were out of the lad ordered Mr. Medrano to the floor while you were out of the lad ordered Mr. Medrano to the floor while you were out of the lad ordered Mr. Medrano to the floor while you were out of the lad ordered Mr. Medrano to the floor while you were out of the lad ordered Mr. Medrano to the floor while you were out of the lad ordered Mr. Medrano to the floor while you were out of the lad ordered Mr. Medrano resisting Deputy Sams in any way lad ordered Mr. Medrano resisting Deputy Sams in any way before you jumped on his back? 19 MR. GAMBILL: Calls for speculation. 21 Q (By Mr. Olson) Did you observe Mr. Medrano resisting Deputy Sams in any way before you jumped on his back. 22 A I don't know. Like I said, I just S that all right? 23 back? 24 A I ewasn't complying with any of our commands. 25 What he did with Sams, I don't know. Like I said, I just S that all right? 26 A No. 27 Q Did you observe him not comply with anything that be observed him to do? 28 A No. 29 Q Which commands before you jumped on his back was hen ot complying with? 29 A No. 20 Q Will with observe him resisting Deputy Sams? 20 A No. 21 Q Well, that's one of the things that we are goli to ask you. 22 A Code, Who is 61 I/2? Do you know? 23		Dogs 95		
2 Sams had his hand pulled back behind his back and his pistol screwed in his head. 4 Q What was it about him being in that position that 5 led you to believe that he was not under control? 5 A He wasn't handcuffed and he wasn't secured and I of it wasn't handcuffed and he wasn't secured and I of it wasn't handcuffed and he wasn't secured and I of it wasn't handcuffed and he wasn't secured and I of it wasn't handcuffed and he wasn't secured and I of it wasn't secured and I of	1	Page 85 A He was in the same position I had left him in.	1	Page 87 the floor.
3 pktol screwed in his head. 4 Q What was it about him being in that position that 5 led you to believe that he was not under control? 5 A He wasn't handcuffed and he wasn't secured and I of didn't shake him down for weapons. 8 Q So, you wouldn't believe that he was under control or weapons? 9 control until he was handcuffed and had been searched for weapons? 11 A Correct. 12 Q Do you know whether or not Deputy Sams had ordered Mr. Medrano to the floor while you were out of the room? 13 A I don't know. I was only out of the room for a matter of minutes. 14 A don't know. I was only out of the room for a matter of minutes. 15 A I don't know. I was only out of the room for a matter of minutes. 16 matter of minutes. 17 Q Was Mr. Medrano resisting Deputy Sams in any way before you jumped on his back? 18 before you jumped on his back? 19 A He wasn't complying with any of our commands. 21 Q (By Mr. Olson) Did you observe Mr. Medrano resisting Deputy Sams in any way before you jumped on his back? 22 A He wasn't complying with any of our commands. 23 back? 24 A He wasn't complying with any of our commands. 25 What he did with Sams, I don't know. Like I said, I just been any commands before you jumped on his back was hen ot complying with? 18 Deputy Sams told him to do? 19 Q Wilch commands before you jumped on his back was hen ot complying with? 10 A No. 11 A No. 12 Q Did you observe him net comply mith anything that be peuty Sams told him to do? 13 Ded		•	ı	
4 A No. 5 led you to believe that he was not under control? 6 A He wasn't handcuffed and he wasn't secured and I 7 didn't shake him down for weapons. 8 Q So, you wouldn't believe that he was under 9 control until he was handcuffed and had been searched for weapons? 10 A Correct. 11 A Correct. 12 Q Do you know whether or not Deputy Sams had ordered Mr. Medrano to the floor while you were out of the room? 15 A I don't know. I was only out of the room for a matter of minutes. 17 Q Was Mr. Medrano resisting Deputy Sams in any way before you jumped on his back? 18 Deputy Sams in any way before you jumped on his back? 19 A I don't know. 10 A I don't know. 21 Q (By Mr. Olson) Did you observe Mr. Medrano resisting Deputy Sams in any way before you jumped on his back? 22 A He wasn't complying with any of our commands. 23 back? 24 A He wasn't complying with any of our commands. 25 What he did with Sams, I don't know. Like I said, I just 26 Deputy Sams told him to do? 27 Q (By Mr. Olson) Did you observe him not comply with anything that back or his head till I came back. Did Sams order him to do? 28 A No. 39 Q Wirk not commands before you jumped on his back was before you jumped on his back was before you jumped on his back was back. Did Sams order him to do? 30 A No. 31 Deputy Sams told him to do? 4 Q Did you observe him resisting Deputy Sams? 5 Deputy Sams told him to do? 5 Deputy Sams told him to do? 6 A No. 9 Q Wirk not commands before you jumped on his back was before you jumped on his back. 10 A My initial command to get down on the ground. 11 A My initial command to get down on the ground. 12 Q Warry you had Mr. Me		•	l .	
5 led you to believe that he was not under control? 6 A He wasn't handcuffed and he wasn't secured and I 7 didn't shake him down for weapons. 8 Q So, you wouldn't believe that he was under 9 control until he was handcuffed and had been searched for weapons? 11 A Correct. 12 Q Do you know whether or not Deputy Sams had 13 ordered Mr. Medrano to the floor while you were out of the 14 room? 14 room? 15 A I don't know. I was only out of the room for a matter of minutes. 16 matter of minutes. 17 Q Was Mr. Medrano resisting Deputy Sams in any way before you jumped on his back? 18 before you jumped on his back? 19 MR. GAMBILL: Calls for speculation. 10 A I don't know. I was only out of the room for a matter of minutes. 10 A I don't know. I was only out of the room for a matter of minutes. 11 A Had Sams hold his arm and he screwed his pistol in the back of his head till I came back. Did Sams order him to back of his head till I came back. Did Sams order him to back of his head till I came back. Did Sams order him to back or Q Did you observe him net setting Deputy Sams? 18 A No. 19 Q Which commands before you jumped on his back was to be not complying with? 10 A Hoffy you observe him net comply with anything that 5 Deputy Sams told him to do? 10 Q Which commands before you jumped on his back was to be not complying with? 11 A M yinitial command to get down on the ground. 12 Q A Hoffy you had Mr. Medrano kneeling down on the ground. 13 Deputy Sams told him to do? 14 A Uh-huh. 15 Q — and before you jumped on his back — A Hoffy you had Mr. Medrano kneeling down on the ground. 15 A Did you observe him resisting Deputy Sams? 16 A Uh-huh. 17 A Power there any commands of yours that he disobeyed? 18 A A Rom the very beginning. 19 A All of my cormands. 20 Q Which cones? 21 A From the very beginning. 22 Q I'm sorry. Just limiting it to when you had 23 gotten him down on his knees on the bed — Can be proved to the form of the throughout the transcript is to tape? 21 A From the very beginning. 22 Q I'm sorry. Just limiting it to		•	i	
6 A He wasn't handcuffed and he wasn't secured and I didn't shake him down for weapons. 9 Q So, you wouldn't believe that he was under weapons? 10 weapons? 11 A Correct. 12 Q Do you know whether or not Deputy Sams had ordered Mr. Medrano to the floor while you were out of the many for minutes. 17 Q Was Mr. Medrano to the floor while you were out of the many for minutes. 18 before you jumped on his back? 19 MR. GAMBILL: Calls for speculation. 20 A I don't know. 21 Q (By Mr. Olson) Did you observe Mr. Medrano resisting Deputy Sams in any way before you jumped on his back? 22 resisting Deputy Sams in any way before you jumped on his back? 23 back? 4 A He wasn't complying with any of our commands. 25 What he did with Sams, I don't know. Like I said, I just 5 Deputy Sams told him to do? 4 Q Did you observe him not comply with anything that 5 Deputy Sams told him to do? 5 A No. 7 Q Did you observe him not comply with anything that 5 Deputy Sams told him to do? 8 Q (By Mr. Olson) Did you observe him not comply with anything that 5 Deputy Sams told him to do? 9 Q Which commands before you jumped on his back wasnown had a No. 10 Le not complying with? 11 A M Hi-huh. 12 Q After you had Mr. Medrano kneeling down on the ground. 13 bed	5 1			
didn't shake him down for weapons. Q So, you wouldn't believe that he was under control until he was handcuffed and had been searched for weapons? A Correct. Do you know whether or not Deputy Sams had rodered Mr. Medrano to the floor while you were out of the room? A I don't know. I was only out of the room for a matter of minutes. A I don't know. I was only out of the room for a matter of minutes. A I don't know. I was only out of the room for a matter of minutes. A I don't know. I was only out of the room for a matter of minutes. A I don't know. I was only out observe Mr. Medrano resisting Deputy Sams in any way before you jumped on his back? A I don't know. I was only out observe Mr. Medrano resisting Deputy Sams in any way before you jumped on his back? A I don't know. I was only out observe Mr. Medrano resisting Deputy Sams in any way before you jumped on his back? A I don't know. I was only out observe Mr. Medrano resisting Deputy Sams in any way before you jumped on his back was back? A He wasn't complying with any of our commands. What he did with Sams, I don't know. Like I said, I just Page 86 A had Sams hold his arm and he screwed his pistol in the pound? I don't know. A Q Did you observe him not comply with anything that the ground? I don't know. A Q Did you observe him resisting Deputy Sams? A No. Q Did you observe him resisting Deputy Sams? A No. Q Did you observe him resisting Deputy Sams? A No. Q Did you observe him resisting Deputy Sams? A No. Q Did you observe him resisting Deputy Sams? A No. Q Did you observe him resisting Deputy Sams? A No. Q Did you observe him resisting Deputy Sams? A No. Q Did you observe him resisting Deputy Sams? A No. Q Did you observe him resisting Deputy Sams? A No. Q Did you observe him resisting Deputy Sams? A No. Q Did you observe him resisting Deputy Sams? A No. Q Did you observe him resisting Deputy Sams? A No. Q Q Which commands before you jumped on his back was henot complying with a was made of the incident on August 1		•		
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